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ACTION ORM-02

INFO OCT-01 ARA-06 IO-13 ISO-00 DHA-02 VO-03 SCA-01 H-02

CIAE-00 DODE-00 PM-04 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 USIA-06 /074 W  
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R 262155Z AUG 76  
FM AMEMBASSY SANTIAGO  
TO SECSTATE WASHDC 1089  
INFO USMISSION USUN NEW YORK  
USMISSION GENEVA

Chile Project (#S199900006)  
U.S. Department of State  
☒ Release ☐ Excise ☐ Deny ☒ Declass  
Exemption(s) \_\_\_\_\_

[REDACTED] SANTIAGO 8358

ALSO USOAS

EO 11652: N/A

TAGS: SHUM, SREF, CVIS, PINT, PFOR, CI (CARBACHO ASTORGA, CARLOS)  
SUBJ: COMMUTATION OF CARLOS CARBACHO'S SENTENCE -- GOC REACTING  
TO FOREIGN PRESSURES

REF: SANTIAGO 8235

1. SUMMARY: EX-AIR FORCE CAPTAIN CARLOS CARBACHO'S DEPARTURE FOR THE US AT THE END OF THIS MONTH WILL MARK A MEANINGFUL CONCESSION BY THE GOC TO INTERNATIONAL PRESSURE. IT MAY PORTEND NEW EFFORTS TO BLUNT CRITICISM FROM ABROAD.  
END SUMMARY.

2. AS AN OFFICER IN THE CHILEAN AIR FORCE (FACH), CAPTAIN CARBACHO TRIED TO FORESTALL A COUP AGAINST THE ALLENDE GOVERNMENT. DURING THE FACH TRIALS OF APRIL/JUNE 1974, THE PROSECUTOR DEMANDED THE DEATH PENALTY FOR CARBACHO BECAUSE OF HIS ACTIVITIES. AFTER CONVICTING CARBACHO ON TWO CHARGES OF SEDITION, THE MILITARY COURT SETTLED FOR LIFE IMPRISONMENT. ON REVIEW, THE SENTENCE WAS DROPPED TO CONSECUTIVE TERMS OF 15 AND 10 YEARS -- EVEN SO AMONG THE HEAVIEST METED OUT.  
[REDACTED]  
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SINCE CARBACHO'S CONVICTION THE GOC HAS BEEN UNDER PRESSURE FROM THE US CONGRESS TO SOFTEN THE PENALTIES.

3. CHILEAN DECREE LAW 504 OF APRIL 19, 1975, CREATED A SPECIAL COMMISSION, AUTHORIZED TO RECOMMEND THE COMMUTATION OF CERTAIN PRISON TERMS TO EXILE. THE COMMISSION HAS BEEN

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WARY ABOUT TAKING DECISIONS ON SENSITIVE CASES, WHICH MUST BE ACTED UPON BY HIGHER LEVELS OF THE GOVERNMENT. IN SPITE OF A PERSISTENT AND EXCEPTIONALLY WELL-ORGANIZED CAMPAIGN WAGED IN WASHINGTON BY CARLOS' AMERICAN CITIZEN BROTHER DURING 1975, THE COMMISSION APPARENTLY KEPT CARBACHO'S PETITION AMONG THOSE "DEFERRED" UNTIL MID-1976, WHEN IT WENT FORWARD TO THE MINISTERS OF JUSTICE AND INTERIOR. WE HAVE LEARNED THAT CARBACHO'S EXILE WAS APPROVED ON JULY 22.

4. COMMENT: THE GOC DESERVES CREDIT FOR MAKING A PAINFUL DECISION. MANY CHILEAN MILITARY OFFICERS STILL BELIEVE FEVENTLY THAT CARBACHO IS A TRAITOR -- TO THE COUNTRY, BUT PERHAPS WORSE, TO THE MILITARY ITSELF. HARDLINERS IN THE GOVERNMENT AND AMONG THE MILITARY WILL SEE HIS DEPARTURE AS CAPITULATION TO OUTSIDE, PARTICULARLY US, PRESSURES. SEVERAL OTHER SENSITIVE FIGURES IN WHOM WE HAVE EXPRESSED INTEREST ALSO HAVE RECEIVED PERMISSION TO DEPART CHILE RECENTLY, E.G., VOLTAIRE PINCHEIRA (SANTIAGO 8233) AND STATE OF SIEGE DETAINEE FERNANDO FLORES (SANTIAGO 7491).

5. THE GOC SEEMS TO HAVE ACCELERATED THE COMMUTATION PROCEDURE DURING THE LAST SIX WEEKS. 100 OF THE TOTAL 626 WHO HAD LEFT AS OF AUGUST 20 DEPARTED SINCE THE END OF JUNE. A NUMBER OF OTHERS ARE TENTATIVELY APPROVED AND AWAIT ONLY PLACEMENT ABROAD.

6. THESE CONCILIATORY MEASURES MAY BE TIMED IN RELATION TO THE UN HUMAN RIGHTS COMMISSION WORKING GROUP MEETING IN GENEVA AND THE IMPENDING UNGA. THEY COULD ALSO BE PART OF A MORE FUNDAMENTAL EVOLUTIONARY PROCESS. WE WILL HAVE A CLEARER IDEA OF THEIR SIGNIFICANCE WHEN WE SEE HOW PRESIDENT PINOCHET DEALS WITH THE HUMAN RIGHTS ISSUE IN HIS SPEECH ON THE JUNTA'S THIRD ANNIVERSARY, SEPTEMBER 11.  
POPPER

[REDACTED]

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\*\*\* Current Handling Restrictions \*\*\* n/a  
\*\*\* Current Classification \*\*\* [REDACTED]

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